

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILLIP MCCOY : CIVIL ACTION
v. :
DET. FRANK A. MARTIN, et al. : NO. 10-7334

M E M O R A N D U M

ROBRENO, J.

FEBRUARY 23, 2011

Plaintiff, an inmate at SCI Pittsburgh, has filed a pro se 42 U.S.C. § 1983 civil rights complaint, in which he is alleging that he is the victim of a malicious prosecution. In his prayer for relief, he is requesting money damages and to have his police record cleared.

Federal Rule of Civil Procedure 8(a)(2) provides that a pleading setting forth a claim for relief shall contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Plaintiff's complaint is insufficient because he fails to adequately describe his state criminal proceedings. Since plaintiff is pro se, he will be granted leave to file an amended complaint to meet these pleading infirmities.

If plaintiff intends to pursue this case, he must file an amended complaint in which he provides the following information: (1) the dates of his arraignment and preliminary hearing, (2) the date of his criminal trial and the outcome of said trial, and (3) the status of any ongoing appellate procedures in State Court.

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2 ORDER

AND NOW, this *23* day of February, 2011, IT IS ORDERED
that:

1. Leave to proceed in forma pauperis is GRANTED.
2. This complaint is DISMISSED pursuant to 28 U.S.C.
§ 1915(e), with leave to amend within thirty (30) days of the
date of this Order. Upon the filing of an amendment, the Clerk
shall not make service until so ORDERED by the Court.

BY THE COURT:



EDUARDO C. ROBRENO, J.